

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

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| IN THE MATTER OF: |) | |
| |) | |
| Petition by the State E-rate |) | CC Docket No. 02-6 |
| Coordinator's Alliance for Clarification) | | |
| And/Or Waiver of E-rate Rules |) | |
| Concerning Technology Plan Creation) | | |
| And Approval under the Schools And) | | |
| Libraries Universal Service Support) | | |
| Mechanism |) | |

**COMMENTS SUBMITTED BY
THE CURATORS OF THE UNIVERSITY OF MISSOURI, THE MISSOURI
STATE LIBRARY, AND THE MISSOURI DEPARTMENT OF
ELEMENTARY AND SECONDARY EDUCATION
IN RESPONSE TO THE
STATE E-RATE COORDINATOR'S ALLIANCE FOR CLARIFICATION
AND/OR WAIVER OF E-RATE RULES CONCERNING TECHNOLOGY
PLAN CREATION AND APPROVAL UNDER THE SCHOOLS AND
LIBRARIES UNIVERSAL SERVICE SUPPORT MECHANISM**

I. Introduction

The Curators of the University of Missouri, the Missouri State Library ("State Library"), and the Missouri Department of Elementary and Secondary Education ("DESE") wish to thank the Federal Communications Commission ("FCC" or "Commission") for its ongoing interest in and support of the National Education Rate Program ("E-rate"). Since the inception of the E-rate program, Missouri schools and libraries have received an average of \$45.4 million annually in telecommunication and Internet access discounts. With the budgets of our schools and libraries stretched to the breaking point, E-rate has proven extremely valuable in helping our schools and libraries

build and support their telecommunications infrastructure and provide Internet access to students and patrons.

II. The Missouri Research and Education Network

The Missouri Research and Education Network (“MOREnet”) is an operating entity of the University of Missouri. MOREnet links Missouri to a world of knowledge through a statewide education network. Schools, public libraries, academic institutions and state agencies linked to the network have access to a secure broadband Internet connection, staff training, technical support and electronic resources. An important feature of the Internet connectivity provided by MOREnet is the high-speed intrastate network consisting of six major circuits connecting several major population centers in the state. MOREnet manages nearly 1,100 local connections statewide. In sum, MOREnet’s services reach 850,000 students and 86,000 faculty and staff in 513 school districts, as well as 358 public library buildings serving 5.1 million Missourians.

In addition to serving as the state E-rate resource for Missouri at the request of the Missouri Department of Elementary and Secondary Education and the Missouri State Library, MOREnet files E-rate applications each year as a consortium for Internet Access on behalf of all MOREnet customers. Because MOREnet finds itself in the position as state E-rate coordinator and E-rate applicant, MOREnet offers a dynamic and unique position on the

future of E-rate. MOREnet welcomes the opportunity to submit these comments before the Commission for consideration.

III. The Missouri State Library

The major functions of the Missouri State Library are to: provide direct library and information service in support of the executive and legislative branches of Missouri state government; to provide library service to blind and physically handicapped residents of Missouri, and to promote the development and improvement of library services throughout the state.

The State Library has an active role in E-rate in Missouri. The MOREnet E-rate consortium application includes almost every public library in Missouri and the State Library fully supports the MOREnet application process. The State Library also helps to fund the Missouri State Coordinator E-rate position through a contract with MOREnet.

Additionally, the State Library is the USAC appointed state technology plan approver for Missouri libraries. The State Library works with libraries across the state in developing their technology plans and working to ensure that all plans meet E-rate rule requirements.

IV. The Missouri Department of Elementary and Secondary Education

DESE also has a very active role in E-rate in Missouri similar to that of the State Library. 97% of public schools in Missouri are included in the MOREnet consortium application and DESE fully supports both the

MOREnet consortium application, as well as individual entity applications by schools in this state. DESE maintains an active instructional technology division to work with schools in achieving their technology goals. Along with the State Library, DESE helps to fund the Missouri State E-rate Coordinator position through a policy analyst contract with Missouri.

DESE is the USAC appointed state technology plan approver for Missouri public schools. DESE works with schools across the state in developing their technology plans and working to ensure that all plans meet E-rate rule requirements.

V. The E-rate Program in Missouri

The National Education Rate program in Missouri has proven essential in bringing telecommunications and Internet access to schools and public libraries. A vast majority of E-rate applicants in Missouri are considered rural under the rules and definitions of the program.¹ While large Missouri applicants such as the Kansas City Public School District and the St. Louis Public School District struggle equally with smaller rural school districts for adequate funding for technology advancements, the advent of E-rate has brought a new level of technology consciousness to smaller and often more remote school districts and libraries in this state.

VI. Technology Plans

¹ These categories are based on definitions adopted by the U.S. Department of Health and Human Services Office of Rural Health Policy (ORHP/HHS). www.sl.universalservice.org.

As a matter of policy and procedure, MOREnet, the State Library, and DESE all agree that the technology plan requirement under current E-rate rules is valid and should be enforced. Certainly, E-rate applicants should have a technology plan to define and determine the applicants' technology planning criteria and goals for the future.

That said, MOREnet, the State Library, DESE, and Missouri E-rate applicants in general have become increasingly concerned by the School and Library Division's ("SLD") strict interpretation of FCC language regarding the creation of technology plans. The language in the FCC's *Fifth Report and Order* states that a technology plan should be *created* prior to the submission of an applicant's Form 470 (although it is not a requirement under current E-rate rules to document that creation date). Technology plans do not have to be *approved* until the start of services, July 1.

The SLD interpretation of the FCC's language on this issue has resulted in demands to see technology plans with documented creation dates prior to the submission of an applicant's Form 470. Not having a creation date on the plan, although the rules don't require it, results in denials of applications.

The SLD's position on this issue is counterproductive to the goals and mission of the E-rate program: to bring connectivity to American schools and libraries. To deny an application because of an unclear technicality is exactly what brings criticism to the E-rate program. This idea is espoused in the

recent FCC *Bishop Perry Order* (wherein the FCC declared that applicants should not be denied based on clerical or ministerial errors).

VII. The State E-rate Coordinator's Alliance Petition

MOREnet, the State Library, and DESE fully support the State E-rate Coordinator's Alliance ("SECA") petition for clarification of the rules regarding technology plans. Like SECA, MOREnet, the State Library, and DESE believe the current technology plan practices and rules to be unclear, vague, and overly broad for a program that depends on calculated rules and regulations for success.

VIII. Conclusion

MOREnet, the State Library, and DESE thank the Commission for the opportunity to file comments on this very important issue. We anxiously await the Commission's clarification of technology plan rules so that we may direct Missouri applicants with confidence regarding this important element of the E-rate process.

Respectfully Submitted,

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